

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
CHARLES MICHAEL KEE,	:	16cv5002 (DLC)
	:	
Petitioner,	:	03cv9067 (DLC)
	:	
-v-	:	98cr778 (DLC)
	:	
UNITED STATES OF AMERICA,	:	
	:	<u>ORDER</u>
Respondent.	:	
	:	
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DENISE COTE, United States District Judge:

On June 23, 2016, Charles Michael Kee ("Kee") filed a petition pursuant to 28 U.S.C. § 2255 (the "2016 Petition") to vacate a portion of his sentence due to the Supreme Court's decision in Johnson v. United States, 135 S. Ct. 2551 (2015), which addressed the constitutionality of the residual clause in the definition of a crime of violence in the Armed Career Criminal Act ("ACCA"). In July 2016, this Court transferred the 2016 Petition to the Court of Appeals for the Second Circuit for treatment as a successive habeas petition. The 2016 Petition was then stayed for years due to proceedings in the Supreme Court and the Court of Appeals for the Second Circuit on the legal issue raised in the 2016 Petition.

On March 11, 2020, the Court of Appeals lifted the stay and granted Kee leave to file a successive petition challenging his conviction under 18 U.S.C. § 924(c) predicated on conspiracy to

commit murder. Kee, proceeding pro se, supplemented the 2016 Petition with a memorandum of July 24. On August 4, Kee requested the appointment of counsel to assist him in making his successive § 2255 petition. On August 9, Kee, still proceeding pro se, submitted another memorandum in support of his successive petition. Accordingly, it is hereby

ORDERED that C.J.A. counsel on duty this date, Samidh Guha, is appointed to represent the defendant in making this petition.


IT IS FURTHER ORDERED that Kee's brief in support of his successive petition shall be filed by **December 18, 2020**. The Government shall submit any response by **February 19, 2021**. Kee's reply, if any, shall be filed by **March 19**.

IT IS FURTHER ORDERED that the Clerk of Court shall notify the Criminal Division of the U.S. Attorney's Office for the Southern District of New York that this Order has been issued.

IT IS FURTHER ORDERED that all further papers filed or submitted for filing must include the criminal docket number and will be docketed in the criminal case.

SO ORDERED:

Dated: New York, New York
October 20, 2020



DENISE COTE
United States District Judge

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